

REMARKS

Applicants have carefully reviewed this application in light of the Office Action mailed April 10, 2007. Claims 1-13 are pending in this Application. Claims 1-13 stand rejected. Claims 3, 6, 9, and 10 have been amended. Claim 14 has been added. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 4 and 9 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants assume that the Examiner objected to Claim 3 instead of Claim 4 because only Claim 3 includes the objected terms. Applicants amend Claims 3 and 9 to overcome these rejections and respectfully request full allowance of Claims 3 and 9 as amended.

Rejections under 35 U.S.C. § 102

Claims 1-4, 6-7, 9-11, and 13 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication 2002/0177406 filed by Steve O'Conner et al. ("O'Conner"). Applicants respectfully traverse and submit O'Conner does not teach all of the elements of the claimed embodiment of the invention.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, "the identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). Applicants respectfully submit that the cited art as anticipated by the Examiner cannot anticipate the rejected Claims, because the cited art does not show all the elements of the present Claims.

The current independent claims include the term “quiescent mode.” This term is explained in the specification as a low power mode. This mode is in contrast to an active mode which is different from the quiescent mode. Thus, a person skilled in the art would understand a quiescent mode to be a low power mode as opposed to an active mode which indicates a “normal” or high power mode. *See*, specification, page 4, lines 11-15, and 20-24.

O’Conner does not disclose this limitation. According to *O’Conner* the receiver is permanently turned on in the default ASK mode (first mode). *See*, *O’Conner* col. 3, paragraph [0039], lines 1-2. This mode is selected because it operates in with less power than the FSK mode. *See*, *O’Conner* col. 3, paragraph [0039], lines 2-5. The receiver can only be switched from this ASK mode into the FSK mode. *See*, *O’Conner* col. 3, paragraph [0039], lines 5-6. Thus, *O’Conner* does not disclose a switching from a quiescent mode to an active mode. According to *O’Conner* such a switch would be a switch from the first mode to the second mode.

Even though *O’Conner* names signal 30 a wake-up signal, according to *O’Conner* specification this signal is rather a switch signal which triggers the receiver to switch from the ASK mode (first mode) into the FSK mode (second mode). *See*, *O’Conner* col. 3, paragraphs [0039]-[0040].

Thus, *O’Conner* does not disclose to put the receiver in a quiescent mode and within the quiescent mode into a first receiving mode. Rather, *O’Conner* teaches to put the receiver in a first mode in which a specific “wake-up” signal transmitted under the first mode parameters triggers a switch into a second mode in which the receiver then receives a signal using the second mode parameters. *See*, *O’Conner* col. 3, paragraph [0039]. However, there are no “wake-up” signals received using the second transmission mode. Rather, the receiver will switch back to the first mode each time it was switched into the second mode and received an FSK signal. *See*, *O’Conner* col. 3, paragraph [0040].

Hence *O'Conner* does also not provide for the specific polling mode as defined in the independent Claims. According to *O'Conner* the receiver is always in the first mode and only switches into the second mode when receiving a first mode wake-up signal. If the receiver does not receive a wake up signal in the first mode it does not switch into the second mode to check whether a wake up signal is transmitted in the second mode as required by the independent claims.

In summary, *O'Conner* discloses a different system which does not anticipate the present independent claims 1, 6, and 10. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §102, if necessary, and do not concede that the Examiner's proposed combinations are proper.

Rejections under 35 U.S.C. §103

Claims 5, 8, and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *O'Conner* in view of U.S. Patent 4,633,515 issued to Harry B. Uber et al. ("Uber"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

Applicants respectfully submit that the dependent Claims 5, 8, and 12 are allowable at least to the extent of the independent Claim 6 or 10 to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims. Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

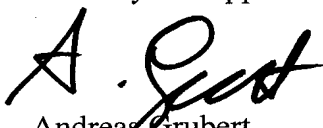
CONCLUSION

Applicants appreciate the Examiner's careful review of the application. Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. For the foregoing reasons, Applicants respectfully request reconsideration of the rejections and full allowance of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Andreas Grubert at 512.322.2545.

Respectfully submitted,
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July 9, 2007

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